



CITY OF NEWTON, MASSACHUSETTS

City Hall

1000 Commonwealth Avenue, Newton, MA 02459-1449

Telephone: (617) 796-1060 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086

www.ci.newton.ma.us

Setti D. Warren
Mayor

ZONING BOARD OF APPEALS

Sherri Lougee, Board Clerk

NOTICE OF DECISION

A Public Hearing has been held with regard to the following petitions before the City of Newton Zoning Board of Appeals. The decisions were determined as follows:

- #3-13** from Andrew L. Gelfond, 338 Winchester Street, Newton, MA, appealing the Commissioner of the Inspectional Services Department's issuance of a building permit at 295 Upland Avenue, Newton, MA, to build a new home. The property is located in a Single Residence 2 District. **The Board voted to grant the petitioner's request to withdraw his appeal, 5-0.**
- #8-13** from Jeffrey Borenstein and Mary Borenstein, 11 Hemlock Road, Newton, MA, appealing the March 21, 2013 Decision of the Commissioner of Inspectional Services regarding Violations at 11 Hemlock Road. The Notice of Violation alleges that the operation of a commercial business is inconsistent with Newton Zoning Ordinance Section 30-8, *Use Regulations for Single Residence Districts*. The property is located in a Single Residence 3 District. **The Board voted to grant the petitioner's request to withdraw his appeal, 5-0.**
- #10-13** from Deepak L. Bhatt, 1682 Commonwealth Avenue, Newton, MA, requesting a 69 square foot variance from the lot size requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, in order to legalize the existing lot, resulting in a lot size of 9,931 square feet. **(Required lot size for old lots created before December 7, 1953 is 10,000 square feet.)** The property is located in a Single Residence 2 district. **The deliberation on the petitioner's variance was continued to September 11, 2013.**
- #11-13** from Cecelia Zhang and Jun Huang, 35-37 Clarendon Street, Newton, MA, requesting the following variances in order to subdivide a 15,198 square foot parcel (Lot 8A) into two lots and construct a new two and one-half story single family dwelling with attached 2-car garage on the second lot (Lot 8B): (i) a 18.80 foot variance for each parcel from the frontage requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in a frontage of 62.20 feet for each lot. **(Required frontage for new lots created after December 7, 1953 is 80 feet.);** (ii) a variance of 2,401 square feet for Lot 8A and Lot 8B from the lot area requirements of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in lot area of 7,599 square feet for each lot. **(Required minimum lot area for new lots created after December 7, 1953 is 10,000 square feet.);** (iii) an 8.2 foot variance from the side yard setback requirements for Lot 8A of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in a side yard setback of 1.80 feet. **(Required side yard setback for new lots created after December 7, 1953 is 10 feet.);** and (iv) a 1.80 foot variance from the front yard setback requirements for Lot 8A of the Newton Revised Zoning Ordinances, Section 30-15, Table One, resulting in a front yard setback of 28.20 feet. **(Required front yard setback for new lots created after December 7, 1953 is 30 feet.)** The property is located in a Multi Residence 1 District. **The petitioners' requests for the above variances was denied, 5-0.**

Any appeal of the above decision must be made to the Middlesex County Superior Court, the Land Court in Boston or the Newton District Court, within twenty (20) days of its filing with the City Clerk in accordance with Section 17 of the Massachusetts General Law, Chapter 40A.

Decision number 11-13 was filed on August 21, 2013.